

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FELISHATAY ALVARADO,
Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,
Defendants.

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**Civil Action
No. 22-3763**

**DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION DIRECTED TO PLAINTIFF FELISHATAY ALVARADO**

Defendants, City of Philadelphia; Police Officers James Ashford, Joshua Burkitt, Eric Clark, Matthew Fitzpatrick, Jose Hamoy, Brian Murray, Heriberto Quintana, Philip Riotto, Miguel Rivera, Patrick Saba, Cyprian Scott, and Edward Song; Sgts. Michael Cerruti and Kevin Mellody; and Lt. Demetrius Monk (collectively, "Defendants") hereby serve Interrogatories and Requests for Production upon you, Plaintiff Felishatay Alvarado, pursuant to Federal Rules of Civil Procedure 33 and 34. You are hereby notified that your Answers, duly executed and sworn, must be returned within thirty (30) days of the date of service of these documents. These Interrogatories and Requests for Production of Documents are continuing in nature and, therefore, will require supplemental responses as additional information is obtained by the Plaintiff as mandated by the Federal Rules of Civil Procedure.

Your responses shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf, whether in preparation for litigation or otherwise. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory or request for production as completely as possible. This means that you must provide an answer now based on the information you currently know or have in your possession, custody or control. You may

not withhold such information until your investigation has concluded or discovery is complete. The omission of any name, fact, or other item of information from your responses shall be deemed a representation that such name, fact, or other item was not known to the Plaintiff, the Plaintiff's counsel, or other representatives at the time of service of your responses.

All terms in these Interrogatories and Requests for Production shall be given their ordinary meaning unless specifically defined otherwise. When an Interrogatory requests you to "identify" a person or place, you are to provide that person's or place's name, address, and telephone number. When an Interrogatory requests you to "identify" a document, you are to provide the name, address and telephone number of the person who authored the document, the nature and content of the document identified, and the date and place where it was prepared or authored. For purposes of these Interrogatories and Requests for Production, and as the facts of this civil action may require, the singular shall include the plural and the plural shall include the singular where applicable or appropriate. As the context of the Interrogatory or Request for Production may require, "you" or "your" shall mean the Plaintiff, or the Plaintiff's agent, representative or other person acting on the Plaintiff's behalf.

As the context of the Interrogatory or Request for Production may require, "Incident" shall refer to the events described in the Amended Complaint in this lawsuit, particularly the entrance of members of Philadelphia Police Department into your residence at 4664 Torresdale Avenue, 1st Floor, in Philadelphia, on June 4, 2021, and their actions therein.

As the context of the Interrogatory or Request for Production may require, "Your Pitbull" refers to the pitbull dog referred to in your Amended Complaint, and which was shot and killed at your residence on June 4, 2021.

As the context of the Interrogatory or Request for Production may require, “Defendant-Officers” refers to the individual Philadelphia Police Department officers named as defendants in this case, specifically, Police Officers James Ashford, Joshua Burkitt, Eric Clark, Matthew Fitzpatrick, Jose Hamoy, Brian Murray, Heriberto Quintana, Philip Riotto, Miguel Rivera, Patrick Saba, Cyprian Scott, and Edward Song; Sgts. Michael Cerruti and Kevin Mellody; and Lt. Demetrius Monk.

Interrogatories

1. Please provide the date (month, year, and day) you first began to reside at 4664 Torresdale Avenue, 1st Floor, Philadelphia, and whether you currently continue to reside there? If you do not continue to reside there, please state:
 - a. when (month, year, and day) you ceased to reside there; and
 - b. the address where you currently reside.
2. Please identify (and provide contact information to the extent known for) any landlords or property managers of your apartment at 4664 Torresdale Avenue, 1st Floor, in the time you have resided there.
3. Please identify and describe any markings (such as any signs or decals) that were (as of the date of the Incident), displayed on or near the door to your apartment at 4664 Torresdale Avenue, 1st Floor, indicating the address and/or particular apartment to which that door provided access. For each such marking, please state who posted or otherwise made the marking, and approximately when the marking was posted or otherwise made.
4. Please identify (by species, breed, color, and name if any) all pets or other animals that were in your apartment at 4664 Torresdale Avenue, 1st Floor, on the date of the Incident, June 4, 2021, including but not limited to Your Pitbull.
5. For each of the pets or other animals identified in response to the preceding Interrogatory, please identify when you first obtained that pet/animal, and any particular purpose(s) served by the pet/animal (for example, an emotional support animal, service animal, guard dog and/or watch dog).

6. For each of the pets or other animals identified in response to the preceding two Interrogatories, please identify any training or certifications each pet or animal received in order to serve the particular purpose(s) identified for that pet or animal.
7. Please identify any out-of-pocket expenses you claim to have incurred as a result of the Defendant-Officers' entrance into your apartment at 4664 Torresdale Avenue, 1st Floor, on the date of the incident, June 4, 2021.
8. Please state, to the best of your recollection, everything that you said to the Defendant-Officers, and everything that the Defendant-Officers said to you, concerning Your Pitbull, while the Defendant-Officers were in your apartment at 4664 Torresdale Avenue, 1st Floor, on the date of the incident, June 4, 2021.
9. Please state, to the best of your recollection, everything that you said to the Defendant-Officers, and everything that the Defendant-Officers said to you, concerning how to access the 2nd Floor apartment at 4664 Torresdale Avenue, while the Defendant-Officers were in your apartment at 4664 Torresdale Avenue, 1st Floor, on the date of the incident, June 4, 2021.
10. Please state whether you are currently employed.
 - a. If you are currently employed, please state your current place of work, including the name of the employer, employer's address, and your job title;
 - b. If you are not currently employed, please state when (month and year) you were last employed, as well as the name of your last employer, last employer's address, and your last job title.

11. Have you ever been convicted¹ of a crime? If so, please include:
- a. Date, place, and time of arrest that led to the conviction or guilty (or no-contest) plea;
 - b. The specific charges you were convicted of;
 - c. The specific resolution with respect to each charge (i.e. trial, guilty verdict, guilty plea, ARD, , etc.);
 - d. The sentence you received for any such conviction(s) or plea(s).
12. Are you asserting a claim that any of the Defendant-Officers made physical contact with you during the Incident? If so, please state:
- a. The specific part of your body you contend was contacted;
 - b. Any injury you claim to have suffered as a result of the contact;
 - c. Symptoms associated with the injury;
 - d. Duration of any symptoms associated with the injury.
13. In Paragraph 31 of Your Amended Complaint, you allege that you receive Social Security Disability due to your medical conditions. Please identify each of those conditions, and when you were first diagnosed with each.
14. If you are claiming that any psychological or emotional injury you have suffered was caused or exacerbated by any actions taken by the Defendant-Officers, state whether—prior to the Incident—you had been diagnosed with any psychological or emotional condition? If so, please include:
- a. Formal diagnosis, if any, for your psychological or emotional condition;

¹ For purposes of this Interrogatory, “convicted” includes any findings of guilt, guilty pleas, *nolo contendere* or no contest pleas, and any situations in which Plaintiff entered into accelerated rehabilitative disposition.

- b. Name and address of any licensed professional who rendered, prescribed, or recommended treatment that psychological or emotional condition;
 - c. Dates of any treatment for that psychological or emotional condition;
 - d. Any medication you have taken, or currently take, for that psychological or emotional condition.
15. Have you, or has anyone on your behalf, made any verbal or written complaint or grievance to any individual or entity relating to the Incident. If so, please include:
- a. Who made the complaint or grievance;
 - b. The name and organizational affiliation of the individual or entity to whom you or your agent made the complaint or grievance;
 - c. The date on which the complaint or grievance was made;
 - d. Any actions—apart from making the initial complaint or grievance—that you or your agent took in furtherance of the complaint or grievance (e.g., an interview);
 - e. The disposition of the complaint or grievance.

Requests for Production of Documents

Please provide the following:

1. To the extent not already produced, all bills, receipts, reports, diagnoses or prognoses, and records for any and all medical, physical, psychiatric and/or psychological treatment by any doctor, hospital, psychologist, mental health counselor, pharmacy or medical facility for any injury, damage or treatment that you contend was caused or made necessary by the Defendant-Officers' actions during the Incident. **The records responsive to this request are limited to those dated between the date of the Incident to the present.**

2. **As to any medical, mental health, or emotional condition you contend was caused by, or exacerbated by, the Defendant Officers' actions during the Incident,** please provide all reports, diagnoses, prognoses, and other medical records for any and all treatment, including any treatment by any medical doctor, psychologist, mental health counselor, hospital, or other medical or treatment facility of any kind for any injury, damage or treatment received **during the five years immediately preceding the Incident. By contrast to the above request, the records responsive to this request extend from five years before the Incident to the date of the Incident.**

3. For any pets or other animals that were in your apartment at 4664 Torresdale Avenue, 1st Floor, on the date of the Incident, June 4, 2021, including but not limited to Your Pitbull, please provide all documentation you received when you acquired the pet or animal, such as (but not limited to) any receipt, pedigree, or certifications concerning the pet or animal's health or training.

4. For any pets or other animals that were in your apartment at 4664 Torresdale Avenue, 1st Floor, on the date of the Incident, June 4, 2021, including but not limited to Your

Pitbull, please provide all documentation regarding any training or certifications the pet or animal received, such as (but not limited to) any certification of the pet or animal to serve as a service animal, an emotional support animal, and/or a guard dog.

5. For any pets or other animals that were in your apartment at 4664 Torresdale Avenue, 1st Floor, on the date of the Incident, June 4, 2021, and which—at that time—served as service animals or emotional support animals, please provide any documentation you received from any medical provider or government agency certifying your need for such a service or emotional support animal.

6. Any and all documents identified in your Answers to the Interrogatories served in this matter.

7. Any non-privileged communications (including emails, text messages, or other electronic communications) with anyone regarding the Incident alleged in the complaint, or regarding this lawsuit.

8. Any and all statements that you posted on social media accounts (e.g., Facebook, Twitter, Instagram, TikTok, YouTube, etc.), or on other websites or Internet services, regarding the Incident alleged in the Complaint, or regarding this lawsuit.

9. A copy of any and all grievances or other complaints, along with any documents concerning such grievances or complaints, that You filed (or anyone filed on your behalf) with respect to the alleged Incident. Such documents include but are not limited to the grievances or complaints themselves, and documents reflecting the adjudication or disposition of the grievances or complaints.

10. Any photographs, video recordings, or audio recordings within your possession, custody, or control, which depict or record the interior or exterior of your apartment at 4664

Torresdale Avenue, 1st Floor, between 5:00 AM and 9:00 AM on the date of the Incident, June 4, 2021.

11. Copies of any leases you entered into for your apartment at 4664 Torresdale Avenue, 1st Floor, from the time you first moved into the residence through the present.

Date: March 22, 2023

/s/ Adam R. Zurbriggen
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing Defendants' First Interrogatories and Requests for Production Directed to Plaintiff were sent to counsel for Plaintiff, David P. Thiruselvam, Esq. and Keith Thomas West, Esq. via electronic mail to the following email addresses: keith@victimrecoverylaw.com and david@victimrecoverylaw.com.

Date: March 22, 2023

/s/ Adam R. Zurbriggen

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